REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed October 21, 2004 in the above-identified application for Letters Patent. A two (2) month extension of the time period for response has been obtained by a Petition filed on even date herewith, thereby setting the end of the response period on March 21, 2005.

Amendments to the Specification

The specification has been amended at Pages 9 - 10 and 13 - 15 to update the status of noted U.S. Patent Applications.

Amendments to the Claims

Claims 1 - 10 are currently amended herein.

Claims 11 - 22 have been cancelled.

New Claims 23 - 28 have been added herein.

Claims 1 - 10 and 23 - 28 remain in the application.

Office Action of October 21, 2004

In Section 3 of the Office Action, Claims 1-22 stand rejected under 35 USC 102(e) as being anticipated by Tobita et al., U.S. Patent No. 6,694,133, issued February 17, 2004.

The Applicant's invention is directed to a method and system in which a user utilizes a mobile device, such as a cell phone, to connect to a remote server for the purpose of *sharing* user provided data objects, such as digital images, with an intended one or more recipients who the user designates by an electronic address sent to the remote server by the user.

Simply put, Applicant's claimed method and system enable a user to *share* user provided data object with selected user designated addressees or recipients. Put another way, Applicant's method and system provide peer-to-peer data object sharing among users.

In the Applicant's invention, the user is in control. He or she provides the data objects in the form of digital content, selects which of those objects are to be shared and also selects from a list of user designated addresses those recipients who will be allowed to share the selected data objects.

Tobita, on the other hand, provides a method and system which is intentionally *non-sharing* in nature.

As Tobita states, his invention relates to a system for image delivery and a method thereof, and to a system that prepares a plurality of images in a server, an image is down-loaded in a mobile phone from the server, and the down-loaded image is displayed on the mobile phone (see Col . 1, Field of the Invention).

The images on the server are proprietary copyrighted images, such as cartoon characters, which a vendor, such as an entertainment company, owns and makes available for down-load to paying registered customers or users for limited use display on the user's cell phone. The system is configured to make sure the user is unable to copy, transmit or otherwise share a downloaded image with any other person.

The Tobita system and method is a non-sharing vendor to customer arrangement allowing the vendor to control the transmission of proprietary data objects to a customer of limited display on the customer's cell phone. The Tobita system and method does not store *user provided* images or data objects on the remote server. It only stores vendor images. Nor does Tobita permit a user to provide a *user designated* address list from which a user may select recipients to receive such images. The list of addresses in Tobita is limited to registered members.

Thus, it is clear, the Applicant's method and system and Tobita method and system are configured differently, function differently and provide completely different services for a user. Therefore, Applicant respectfully submits Tobita does not anticipate the present invention under 35 U.S.C 102 (4), nor does Tobita provide any disclosure, teaching or suggestions which would make Applicant's invention claimed herein obvious under the provisions of 35 U. S C. 103.

To more clearly point out the patentably distinctive features of the present invention, method Claims 1 - 11 have been currently amended to specify that the data objects are *user provided* and the addresses are *user designated.* Similarly, these same limitations have been incorporated into the new systems claims 23 - 28.

For convenience, a copy of currently amended Claim 1 is provided here:

Claim 1 (currently amended). A method for sharing <u>user provided</u> data objects utilizing a mobile device, said mobile device having a unique identifier and access to at least one of a plurality of services accessible at a remote server, comprising the steps of:

(A) establishing a linking relationship between said unique identifier and an account at a service from the at least one of a plurality of services accessible at the remote server;

(B) receiving, at the remote server, a request, from said mobile device having said unique identifier, for access to the service containing the account linked to said unique identifier, said service being accessible at the remote server;

(C) transmitting, to the mobile device having said unique identifier, a ~~request~~ <u>response</u>, said response providing access to a plurality of entities, said entities comprising a list of <u>user provided</u> data objects and a list of <u>user</u>

designated addresses, said entities being associated with the account linked to said unique identifier;

(D)   receiving, at the remote server, from the mobile device having said unique identifier, a request, said request comprising an indication of a selected user provided data object and an indication of at least one of a plurality of user designated addresses and a request to send said indicated data objects to said indicated at least one of a plurality of addresses, said addresses being selected from said list of user designated addresses; and

(E)   sending, to said at least one of a plurality of user designated addresses, a transmission providing access to the selected user provided data object thereby enabling sharing of the selected user provided data object with selected user designated addressees.

Section 3. of the Office Action states:

"As to claim 1, Tobita discloses a method for sharing data objects utilizing a mobile device (4 fig.1), said mobile device having a unique identifier and access to at least one of a plurality of services accessible at a remote server (1 fig.1), comprising the steps of:

(A)   establishing a linking relationship between said unique identifier (user IDs of members) and an account at a service from the at least one of a plurality of services accessible at the remote server (1 fig.1) (see abstract, figs. 1, 2, col.8 line 57 to col. 9 line 48).

(B)   receiving, at the remote server (1 fig. 1), a request, from said mobile

device having said unique identifier, for access to the service containing the account

linked to said unique identifier, said service being accessible at the remote server (see

col. 9 line 43 to col. 10 line 21).

(C)   transmitting, to the mobile device having said unique identifier, a

request, said response providing access to a plurality of entities, said entities

comprising a list of data objects and a list of addresses, said entities being associated

with the account linked to said unique identifier (see col. 10 lines 22-65).

(D)   receiving, at the remote server (1 fig. 1), from the mobile device (4 fig.

1) having said unique identifier, a request, said request comprising an indication of a

selected data object and an indication of at least one of a plurality of addresses and a

request to send said indicated data objects to said indicated at least one of a plurality

of addresses, said addresses being selected from said list of addresses (see col.10 line

66 to col. 11 line 31).

(E)   sending, to said at least one of a plurality of addresses, a transmission

providing access to the selected data object (image delivery as a response is

transmitted to the mobile phone, see col. 11 line 32 to col. 12 line 36).

Applicant respectfully disagrees with the above assessment of Tobita with

respect to its viability as an anticipatory reference under 35 U.S.C 102 (e).

Tobita does not share user provided data objects. Rather, as stated at column 2, line 35 –"…. since an image data to be delivered is held in an access controlled storage means , and the read out image is held in storage means in which it cannot be delivered to others again or cannot be processed and protection of a copyright of the delivered image can be promoted."

Clearly, Tobita's method and system employs vendor owned proprietary images or data objects not the user provided data objects taught by the Applicant.

In Figure 10 and beginning at Column 10, line 53 Tobita explains his procedures for registering members and compiling a *member list* as shown at step 105 in Figure 10. Also see Tobita's reference to the membership list at column 12, beginning at line 23. Also, at column 9, line 11, Tobita refers to a member list table 31 shown in figure 3.

Accordingly, Tobita does not employee the Applicant's user designated addresses for peer-to-peer sharing of user provided data objects, but rather Tobita uses a vendor compiled and controlled membership list in his vendor to customer system for selling or leasing images for limited display.

For these reasons, Applicant respectfully submits, that Claim 1 (currently amended) is not anticipated by Tobita, nor is it made obvious by the reference, and it patentably distinguishes over the reference and is in condition for allowance.

With respect to remaining method claims and system claims (now new claims 23 - 28), the Office Action uses the Tobita reference in the same way by erroneously equating Applicant's *user provided data objects* withTobita's *vendor proprietary images*, and erroneously equating Applicant's user designated addresses with Tobita's *vendor compiled list of paying members.*
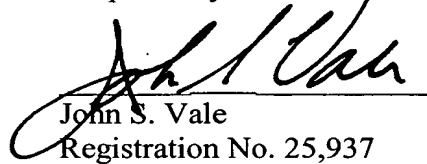
For these reasons, Applicant respectfully submits that the rejections in the Office Action pertaining to Claims 2 - 22 are in error.

The Applicant's method and system and Tobita method and system are configured differently, function differently and provide completely different services for a user and, therefore, Applicant respectfully submits Tobita does not anticipate the present invention under 35 U.S.C 102 (e), nor does Tobita provide any disclosure, teaching or suggestions which would make Applicant's invention claimed herein obvious under the provisions of 35 U. S C. 103. Claims 1 - 10 and 23 - 28 patentably distinguish over the art and are in condition for allowance.

For all of the above reasons, Applicant submits that the Specification and Claims are now in proper form, and that the Claims all patentably define over the prior art. Therefore, Applicant submits that this Application is now in condition for allowance, which action he respectfully solicits.
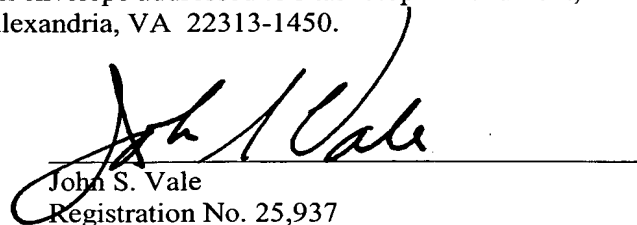
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 15, 2005

John S. Vale
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